

**REMARKS**

Claims 68-71 have been cancelled. Claims 1-58 were previously cancelled. Claims 73-79 have been added. Claims 59-67, and 72-79 are pending in this application.

Claims 59-67 are allowed.

Claims 68-71 stand rejected on the ground of non-statutory obviousness-type double patenting. Claims 68-71 also stand rejected under 35 USC § 102(e) as being anticipated by US patent 6,621,796 to Miklos. The rejection to claims 68-71 is rendered moot in view of cancellation of these claims.

Claim 72 also stands rejected as being unpatentable over Miklos. Miklos does not teach or suggest “passing the subsequent frame up to the higher layer ..., even if the missing frame has not been received at the receive station,” as required by claim 72. The Office Action states that Miklos discloses:

**passing the subsequent frame (PDU S3) up to the higher layer at the receive station for processing (col. 20, lines 5-6) after a period of time ( $T_{R3}$  of FIG. 1B, col. 8, lines 6-13) has elapsed since the missing frame was determined, even if the missing frame has not been received at the receive station.**

Contrary to the Office Action, Miklos does not teach or disclose passing up S3 for processing, even if the missing frame (S2, Fig. 1B) has not been received. Rather, Miklos teaches that S3 is discarded based on expiration of a time period  $T_{R4}$ . See Miklos, col. 8, ll. 54-57. Also, column 20, lines 5-6 of Miklos states that S4-S6 and S7-S9 have now been received and are passed up for processing, and a cumulative acknowledgement up to S9 is sent back to the sender (meaning that all frames S1-S9 have been received). Therefore, claim 72 patentably distinguishes over the cited art. Reconsideration is respectfully requested.

Claims 73-79 have been added. Independent claim 73 is an apparatus claim that includes all the limitations as allowed method claim 59, and therefore, is allowable for the same reasons as claim 59. Claims 74-79 depend from independent claims 73, and therefore, are allowable for the same reasons as claim 73. No new issues are raised by the adding of new claims 73-79.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (703-286-5303) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521, referencing Attorney Docket No. BU137C/0033-014002.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3rd day of January, 2007.

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